

**RESOLUTION NO. \_\_\_\_\_, SERIES 2009**

**A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION SUIT AGAINST THE OWNER OF CERTAIN PROPERTY IN JEFFERSON COUNTY IN CONNECTION WITH THE COOPER CHAPEL ROAD WIDENING PROJECT (PARCEL 54).**

**SPONSORED BY:** \_\_\_\_\_

**WHEREAS**, the Louisville/Jefferson County Metro Government ("Metro"), pursuant to KRS 67C.101 (3)(f) may acquire real property for public uses through the exercise of the power of eminent domain; and

**WHEREAS**, KRS 416.560(1) requires the legislative council of Metro ("Council") to approve the exercise of the power of eminent domain prior to Metro's instituting such proceedings; and

**WHEREAS**, Metro (as successor to Jefferson County and the City of Louisville) has planned and designed the Cooper Chapel Road Widening Project in conjunction with Louisville/Jefferson County Metro Government Department of Public Works; and

**WHEREAS**, as a part of the Cooper Chapel Road Widening Project, it is necessary to acquire additional Right-of-Way and temporary easements to construct the Cooper Chapel Road Widening Project for the use and benefit of the citizens of Metro; and

**WHEREAS**, Metro has not been able to acquire the portion of the Cooper Chapel Road Widening Project Right-of-Way and temporary easements Property described as portions of Parcel 54 in the descriptions attached hereto as Exhibit A ("Condemned Property") from the owner of the Condemned Property through good faith negotiations; and

**WHEREAS**, KRS 416.550 authorizes Metro to exercise its right of eminent domain against a property when it cannot acquire the property by agreement with the owner thereof.

**BE IT RESOLVED BY THE COUNCIL AS FOLLOWS:**

**Section 1:** That in order to complete the Cooper Chapel Road Widening Project, Metro Government needs to acquire the Condemned Property, as described on attached Exhibit A and platted as Parcels 54, 54A, 54B, and 54C on the plat map attached hereto as Exhibit B. The property is a portion of the property acquired by Carol Ann Snowden, a/k/a Carol B. Snowden, n/k/a Carol Kwiatkowski by deed dated May 8, 1973, of record in Deed Book 4621, Page 157, and by Quit Claim deed dated December 22, 1977, of record in Deed Book 4985, page 402, both of record in the Office of the County Clerk of Jefferson County, Kentucky.

Norwest Mortgage, Inc. may have an interest in the property as the assignee of Republic Bank and Trust Company pursuant to a Mortgage, dated June 4, 1997, filed of record in Mortgage Book 4368, Page 140, and a Deed of Assignment dated June 27, 1997, of record in Deed Book 6939, Page 160, both of record in the Office aforesaid.

Since Metro cannot, by agreement with the owner of the Condemned Property, acquire the Condemned Property, then the Office of the Jefferson County Attorney is authorized to institute condemnation proceedings pursuant to KRS 416.560, *et seq.* against the owner of the Condemned Property.

**Section 2:** That the Council finds that the Condemned Property needs to be acquired for the public use of Metro.

**Section 3:** That this Resolution shall become effective upon its passage and approval.

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**Kathleen J. Herron**  
Metro Council Clerk

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**David W. Tandy**  
President of the Council

\_\_\_\_\_  
**Jerry E. Abramson**  
Mayor

Approved \_\_\_\_\_  
Date

**APPROVED AS TO FORM AND LEGALITY:**  
Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_

Condemnation Cooper Chapel Parcel 54 Res. ROC jab,bkn Draft 1

5-8-09